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March 8, 2000

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Hon. William E. Kennard
Chairman, Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: **Ex Parte Presentation of The Boeing Company**
ET Docket No. 98-206
RM-9147
RM-9245

Dear Chairman Kennard:

The Boeing Company ("Boeing"), through its counsel, submits this written *ex parte* presentation in support of its opposition to the proposal of Northpoint Technology, Ltd. to build a terrestrial communications service in the Ku-band. This filing is necessitated by Northpoint's recent decision to seek authorization for its proposed service in Europe, despite the interference concerns that Northpoint's proposal raises for other spectrum users.

As you may be aware, Boeing is a FCC applicant to operate a non-geostationary orbit fixed-satellite service ("NGSO FSS") system in the Ku-band.¹ Boeing will use its NGSO FSS network to provide competition for existing telecommunications service providers and to introduce a wide range of new services that either have not, or can not, be provided to consumers using existing satellite-based and terrestrial networks. Boeing's system could bring substantial benefits to the American public and provide a significant opportunity for United States industry to export broadband satellite communications services.

Boeing, along with other U.S. NGSO FSS applicants, has worked closely with the United States government and the international regulatory community during the past three years to develop spectrum sharing limits that will enable NGSO FSS networks to operate on a shared basis with existing services. Largely as a result of assistance from the United States government, these efforts culminated in the adoption of an international compromise on spectrum sharing that was endorsed by countries participating in the International Telecommunication Union ("ITU"), Conference Preparatory Meeting in November 1999.

¹ See Application for Authority to Launch and Operate a Non-Geostationary Medium Earth Orbit Satellite System in the Fixed Satellite Service, File No. SAT-LOA-19990108-00006 (Jan. 8, 1999).

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In conflict with these international efforts, Northpoint has proposed a service that cannot share spectrum with all other users of the Ku-band. As Boeing has shown in previous submissions to the Commission, Northpoint's proposed system would cause unacceptable levels of interference into NGSO FSS consumer receivers, which NGSO FSS operators such as Boeing would be unable to mitigate.

The international implications of Northpoint's proposal were heightened recently when the United State Embassy in Paris reportedly forwarded a letter from Northpoint to commercial and/or governmental interests in Europe. The letter, which is provided as an attachment, proposes the introduction of Northpoint's terrestrial communication service in Europe, apparently in the same spectrum that has been allocated internationally by the ITU for NGSO FSS networks.

Northpoint's interest in Europe demonstrates that its planned use of the Ku-band cannot be considered a "U.S.-domestic-only" matter. Northpoint's European overture also underscores the importance of coordinated effort between the United States and other signatory members of the ITU.

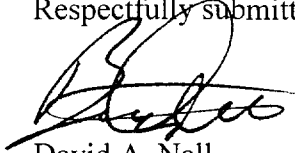
Any decision by the FCC to authorize Northpoint's service in the United States at this time is likely to be perceived by the international community as undermining the international agreement on NGSO FSS spectrum sharing. Instead, the Commission should forego action on Northpoint's application until the United States, working within the ITU technical study process and in cooperation with other ITU members, completes an examination of the interference concerns that Northpoint's proposal raises for global spectrum users such as NGSO FSS networks.

Requiring Northpoint to participate in the ITU technical study process will bolster U.S. credibility by demonstrating that the United States recognizes the substantial benefits of multilateral cooperation that the ITU provides its member states. As you are aware, the United States is a recurrent beneficiary of the ITU's frequency management activities by creating substantial export opportunities for U.S. industry. A decision by the United States to submit Northpoint's proposal to the ITU study process will also reassure other countries that the United States remains committed to the spectrum sharing agreement on NGSO FSS operations in the Ku-band that the U.S. agreed to support at WRC-2000.

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Thank you for your attention to this matter. Please let me know if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David A. Nall", written over the typed name.

David A. Nall
Bruce A. Olcott
Counsel for The Boeing Company

Cc: R. Craig Holman,
Counsel, The Boeing Company

NORTHPOINT TECHNOLOGY, PORTSMOUTH, NEW HAMPSHIRE

Sophia Collier, chief executive officer of Northpoint Technology, Ltd. will be in Paris during the week of March 13, 2000 accompanied by Katherine Reynolds, one of Northpoint's founding investors. Ms. Collier is also the chair of Citizens Advisers, an American-based investment company with assets of approximately \$2 billion. Ms. Reynolds is a member of the Texas based King Ranch family with international interests in oil and gas and ranching. Ms. Reynolds is also a specialist in high technology investing and has co-founded the Texas Capital Network.

The purpose of the trip is to have initial meetings with French based telecommunications and content companies in order to begin building the business alliances necessary to introduce Northpoint's innovative spectrum sharing technologies to the European markets. Northpoint's business strategy is to deploy its system through partnerships with local companies. Given France's worldwide prominence within the telecommunications field, Northpoint principals, Collier and Reynolds, would like to meet with a number of such companies with the ultimate goal of selecting a French partner or partners.

An additional purpose in meeting with Alcatel is to discuss the Skybridge system and potential cooperation with Skybridge's United States initiative.

Northpoint Technology Executive Summary

Northpoint is a significant new fundamental technology that allows terrestrial broadcasters to share frequencies with geo-stationary satellites creating the potential to double the amount of usable radio frequencies in the bands where it is employed. This advanced, patented wireless system and its patent pending extensions have worldwide application.

Tested and Proven Within the United States

The Northpoint system has been tested and proven and is in the advanced stages of a licensing proceeding in the United States where Northpoint plans to establish operations on the 12 GHz band, currently used by direct broadcast satellite operators. Terrestrial re-use of this band will allow for the creation of new national consumer video and data distribution network in a band where there is already an installed base of 10 million households.

Greatly Expanded Digital Capacity

In other bands and countries, Northpoint Technology has applicability to video and other consumer services as well as scientific, governmental and non-consumer services. As a terrestrial broadcasting system that allows frequency sharing with geo-stationary satellite operators, Northpoint has significant positive benefits for both terrestrial and satellite operators. If Northpoint is adopted terrestrially in bands where satellites are not currently operating, new satellite services can be launched, doubling spectrum capacity in these bands as well.

The vast opportunities created by Northpoint technology require the construction of a carefully considered series of strategic partners. These partners will undoubtedly have diverse interests, from consumer oriented television and other broadcast content to internet related services, wholesale data services and specialized data transmission needs.

For more information:

www.northpointtechnology.com

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